

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 506
Title 14, California Code of Regulations
Re: Shooting Hours

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| I. | Date of Initial Statement of Reasons: | June 24, 2005 |
| II. | Date of Pre-adoption Statement of Reasons: | July 18, 2005 |
| III. | Date of Final Statement of Reasons: | August 23, 2005 |
| IV. | Dates and Locations of Scheduled Hearings: | |
| (a) | Notice Hearing: | |
| | Date: | June 24, 2005 |
| | Location: | Bishop |
| (b) | Adoption Hearing: | |
| | Date: | August 19, 2005 |
| | Location: | San Luis Obispo |

- V. Update:

No modifications were made in the originally proposed regulatory language of the Initial Statement of Reasons.

At its August 19, 2005 meeting, the Commission adopted a shoot time beginning at 7:00 a.m. for Morro Bay.

- ## VI. Summary of primary Considerations Raised in Opposition and in Support:

- (a) The following individuals opposed a change in shooting hours for Morro Bay:

Betty Winholtz, Morro Bay, CA (testimony 8/19/05)
Lynda Merrill, Morro Bay, CA (email dated 8/16/05 and testimony 8/19/05)
Peggy Koteen, San Luis Obispo, CA (testimony 8/19/05)
Phil Hill, Morro Bay, CA (testimony 8/19/05)
Mandy Davis, Morro Bay, CA (testimony 8/19/05)
Norm Tiber, Baywood Park, CA (testimony 8/19/05)
Johanna Rubba, Grover Beach, CA (testimony 8/19/05)

Nelson Sullivan, Morro Bay, CA (testimony 8/19/05)
Ray McKelligott, Morro Bay, CA (testimony 8/19/05)
Camilla Fox, Animal Protection Institute, Sacramento, CA (testimony 8/19/05)
Dr. David Dubbink, San Luis Obispo, CA (letter dated 8/15/05 and testimony 8/19/05)
Dorothy Cutter, Morro Bay, CA (email dated 8/16/05)
Eric Greening, Atascadero, CA (testimony 8/19/05)
Anne Reeves, Morro Bay, CA (letter dated 8/16/05)
Jim Royer, Los Osos, CA (email dated 8/10/05)
Nelson and Carol Benitez, Los Osos, CA (letter dated 8/18/05)

Response: The Department understands that the 8:00 a.m. beginning shoot time was established by the Commission to address noise concerns primarily at a nearby campground. Modifications to the hunting boundary were made in subsequent years, further distancing the campground from the primary hunting areas. There was never a biological need for the later beginning shoot time, and the boundary changes reduce the need for a later beginning shooting time at Morro Bay.

- (b) The following individuals supported either option to the proposed change to the shooting hours at Morro Bay.

Fred Harpster, Morro Bay, CA (testimony 8/19/05)
Gene Johe, Black Brant Group, San Luis Obispo, CA (testimony 8/19/05)
Bob Richardson, Grover Beach, CA (testimony 8/19/05)
Dick Dasmann, Arroyo Grande, CA (testimony 8/19/05)
Mark VanWagner, Paso Robles, CA (testimony 8/19/05)
Bill Cereghino, Morro Bay, CA (testimony 8/19/05)
Bill Gaines, California Waterfowl Association, Sacramento, CA (testimony 8/19/05)

Response: Support noted.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The No Change Alternative would maintain the exception for the Morro Bay area that does not allow hunting to begin until 8:00 a.m.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations adjust the shooting time for waterfowl hunting in the Morro Bay Special Management Area. The proposal is expected to be economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Current regulations in Section 506, Title 14, California Code of Regulations (CCR), provide shooting hours for migratory game birds. These shooting hours are from one-half hour before sunrise to sunset throughout the State except in areas open to hunting on, over or adjacent to the waters of Morro Bay, San Luis Obispo County. At Morro Bay, shooting hours are from 8:00 a.m. to sunset. The later start time results in less-than-optimum hunting conditions for those who hunt on Morro Bay because most migratory game birds are most active in the time period near sunrise. This exception for Morro Bay was enacted due to concerns of users of the State Park campground regarding the sounds from shotguns early in the morning. In 1983, the hunting boundary area was changed and hunting no longer occurs adjacent to this campground; therefore, this exception is no longer necessary. The Commission is proposing to amend the shooting hours for Morro Bay to begin either at 7:00 a.m. or one-half hour before sunrise.

The Commission adopted a 7:00 a.m. beginning shoot time for Morro Bay at the August 19, 2005 meeting.

ADDENDUM TO FINAL STATEMENTS OF REASONS
SECTIONS 502 AND 506, TITLE 14, CCR

I. Responses to Recommendations by Gene Johe, Letter Dated June 4, 2005, and petition signed by 31 individuals

- (a) Set the shooting time for Morro Bay to be consistent with the rest of California.

RESPONSE: This option was included in the public notice dated June 28, 2005. The Commission ultimately adopted a shooting time beginning at 7:00 a.m. for Morro Bay to be consistent with local noise ordinances.

- (b) If the Black Brant bag limit is reduced to one or if the season is shortened, limit hunting to three days per week for a total of 15 days.

RESPONSE: The U.S. Fish and Wildlife Service adopted a Black Brant hunting season for the Northern Brant Special Management Area from November 16 through November 30 and a season from December 1 through December 15 for the Balance of the State Brant Special Management Area. Allowing hunting three days per week for a total of 15 hunting days would not conform to Federal Regulation.

- (c) Limit use of recreational boats in Morro Bay during waterfowl hunting season.

RESPONSE: Wildlife Area regulations are contained in Section 551, Title 14, CCR, and are beyond the scope of this rulemaking.

- (d) Opposed to proposal submitted by Mandy Davis.

RESPONSE: Comment noted.

- (e) Opposed to proposal to prohibit hunting on Grassy Island.

RESPONSE: Comment noted.

II. Response to Comments submitted June 24, 2005 by the Santa Lucia Chapter of the Sierra Club, unsigned.

- (a) Opposed to waterfowl hunting in Morro Bay.

RESPONSE: Prohibiting hunting in Morro Bay eliminates hunting opportunity without biological reason. Existing regulations (limited days, limited areas, and limited hours open to hunting) have been made to address perceived conflicts between human users of Morro Bay.